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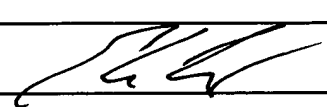
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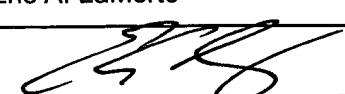
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|---|-----------------------------|--|
|  <p>TRANSMITTAL FORM</p> <p><i>(To be used for all correspondence after initial filing)</i></p> | Application Number | 10/700,425 |
| | Filing Date | 11/05/2003 |
| | First Named Inventor | Smith |
| | Group Art Unit | 3711 |
| | Examiner Name | Wong |
| Total Number of Pages in This Submission | | Attorney Docket Number SmithD-1 |

| ENCLOSURES (check all that apply) | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks Appeal Brief | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | LaMorte & Associates |
| Signature |  |
| Date | 09/15/2005 |

| CERTIFICATE OF MAILING | | | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 09/15/2005 | | | |
| Typed or printed name | Eric A. LaMorte | | |
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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 250

Complete if Known

Application Number 10/700,425
Filing Date 11/05/2003
First Named Inventor Smith
Examiner Name S. B. Wong
Art Unit 3711
Attorney Docket No. SMITHD-1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

50-1954

Lamorte & Associates

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 790 | 2001 | 395 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | Fee Paid |
|--------------------|--------------------|--------------|--------|----------------|----------|
| Independent Claims | Multiple Dependent | -20** = | -3** = | | |
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| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 44 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month | |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month | |
| 1254 | 1,530 | 2254 | 765 | Extension for reply within fourth month | |
| 1255 | 2,080 | 2255 | 1,040 | Extension for reply within fifth month | |
| 1401 | 340 | 2401 | 170 | Notice of Appeal | |
| 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal | 250 |
| 1403 | 300 | 2403 | 150 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,370 | 2453 | 685 | Petition to revive - unintentional | |
| 1501 | 1,370 | 2501 | 685 | Utility issue fee (or reissue) | |
| 1502 | 490 | 2502 | 245 | Design issue fee | |
| 1503 | 660 | 2503 | 330 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) Pub fee and 5 copies

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 250

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

Eric LaMorte

Registration No.
(Attorney/Agent)

34653

Telephone 215 321-6772

Signature

Date 09/15/2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Smith

Serial No.: **10/700,425**

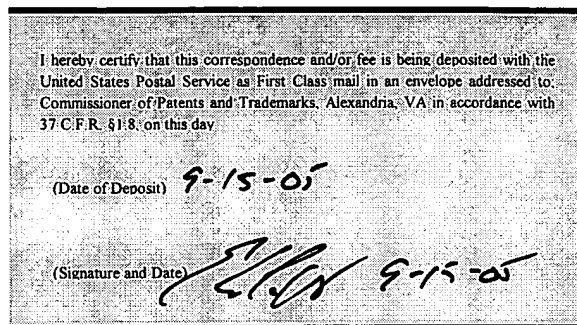
Filed: **November 05, 2003**

For: **LIFE EVENT MEMORIALIZING
SYSTEM AND METHOD**

Examiner: **S. B. Wong**

Group Art Unit: **3711**

Date: **September 15, 2005**



Mail Stop –Appeal Brief
Commissioner of Patents and Trademarks

APPEAL BRIEF OF APPELLANT

Sir:

The Applicant herein timely files this Brief in accordance with 37 C.F.R. 41 et seq.

I. REAL PARTY IN INTEREST [37 CFR §41.37(c)(1)]

The subject application is not assigned. As such, the Real Party in Interest is the Applicant.

II. RELATED APPEALS AND INTERFERENCES [37 CFR §41.37(c)(2)]

No other related application is currently subject to an Appeal or Interference.

III. STATUS OF CLAIMS [37 CFR §41.37(c)(3)]

Claims 1-4, 6-8 and 11-13 are pending in this application.

Claims 1-4, 6-8 and 11-13 stand as finally rejected by the Examiner.

IV. STATUS OF THE AMENDMENTS [37 CFR §41.37(c)(4)]

The amendment filed by the Applicant on January 27, 2005 was entered by the Examiner. No other amendments were filed.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER [37 CFR §41.37(c)(5)]

The subject application has two pending independent claims, which are Claim 1 and Claim 13.

Claim 1 sets forth a method of creating a graphical depiction of a person's life using a puzzle format. *(See preamble of Claim 1)* A first plurality of puzzle pieces *(18, Fig. 1)* are provided that represent different major life events, including birthday, graduation day and wedding day that may, or may not, occur in a person's life. *(See Specification, page 7, lines 11-13, and page 10, line 1-14)* These puzzle pieces are selectively joined together. Only the puzzle pieces that correspond to events that have actually occurred in a person's life are joined to the puzzle. *(See Summary, page 4, lines 18-21, and Specification, page 7, lines 10-14.)* This creates a puzzle assembly or a "life puzzle" *(20, Fig. 1)* that is a graphical depiction of the actual life events of that person. *(See Specification, page 7, lines 10-18).*

Claim 11 is an independent claim that sets forth a method of assembling a jigsaw puzzle. *(See preamble of Claim 11)* The jigsaw puzzle has puzzle framework *(26, Fig. 1)* that defines an interior. *(See Specification, page 8, lines 18-22 and page 9, lines 10-12.)* A plurality of puzzle pieces *(18, Fig. 1)* are provided that correspond to different commonly occurring life events that may or may not occur in a person's life. *(See Specification, page 7, lines 11-13, and page 10, line 1-14)* The puzzle pieces *(18, Fig. 1)* are added to the jigsaw puzzle framework only if they correspond to a life event that has occurred. *(See Summary, page 4, lines 18-21, and Specification, page 7, lines 10-14.)* The result is a puzzle that provides a graphical representation of the events that have occurred to a particular person. *(See Specification, page 7, lines 10-18).*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL [37 CFR §41.37(c)(6)]

The grounds of rejection to be reviewed on appeal are as follows:

1. - **Claim 11-13** stand as rejected under 35 USC 102(a) as being anticipated by U.S. Patent No. 6,619,661 to Collins.
2. - **Claim 11** stands as rejected Under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,417,732 to Guill.
- 3.- **Claims 1-4 and 6-8** stand as rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 723,425 to Thompson.
- 4.- **Claim 12** stands as rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 4,417,732 to Guill.
- 5.- **Claim 13** was rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 4,417,732 to Guill in further view of U.S. Patent No. 6,708,973 to Hall.

VII. ARGUMENTS. [37 CFR §41.37(c)(7)]

GROUND 1 - Whether the Examiner erred in finally rejecting Claims 11-13 under 35 USC 102(a) as being anticipated by U.S. Patent No. 6,619,661 to Collins

The rejected claims contain one independent claim, which is Claim 11. Claim 11 is fully distinguishable over the combined references, as is explained below.

Claim 11 sets forth a method of assembling a jigsaw puzzle to form a “life puzzle” that graphically depicts the events that have occurred in a person’s life.

As claimed, the jigsaw puzzle has puzzle framework that defines an interior. A plurality of puzzle pieces are provided that correspond to different commonly occurring life events that may or may not occur in a person’s life. The events specifically claimed in Claim 11 include birthday, graduation day and wedding day. The puzzle pieces are added to the jigsaw puzzle framework only if they correspond to a life event that has occurred. The result is a puzzle that provides a graphical representation of the events that have occurred to a particular person.

The Collins patent discloses a jigsaw puzzle that contains math equations. The Collins puzzle does not disclose or suggest the use of puzzle pieces that correspond to events that may, or may not occur in a person’s life. Furthermore, it is clear and uncontested that the Collins patent makes no disclosure of any puzzle piece depicting a person’s birthday, graduation day or wedding day.

As such, the Collins patent clearly fails to disclose the method step of **“providing a plurality of puzzle pieces that correspond to different commonly occurring life events, including birthday, graduation day and wedding day, that may or may not occur in a person’s life.”**

The Collins patent also fails to disclose the method step of **“connecting a puzzle piece from said plurality of puzzle pieces to said puzzle framework that corresponds to a life**

event that has occurred.” The Examiner argues that solving a math equation is a life event that may or may not occur. This argument completely ignores the specification of the application. Claims must be read through the disclosure made in the specification. It is clear that the purpose of the applicant’s invention is to create a graphical depiction of the events that have occurred in a person’s life. In this light, the argument that math equations qualify as life events is an argument that is stretched beyond the bounds of reason.

The Collins does not disclose or suggest the methodology set forth in Claim 11. Accordingly, the Collins patent does not anticipate the matter of Claim 11 and its dependent claims.

It is therefore believed that the matter of Claim 11 is distinguishable over the Collins patent. The Board is therefore respectfully requested to reverse the 35 USC 102 rejection as applied to Claim 11 and its dependent claims.

GROUND 2 - Whether the Examiner erred in finally rejecting Claim 11 under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,417,732 to Guill.

As has been previously stated, Claim 11 sets forth a method of assembling a jigsaw puzzle to form a “life puzzle” that graphically depicts the events that have occurred in a person’s life.

As claimed, the jigsaw puzzle has puzzle framework that defines an interior. A plurality of puzzle pieces are provided that correspond to different commonly occurring life events that may or may not occur in a person’s life. The events specifically claimed in Claim 11 include birthday, graduation day and wedding day. The puzzle pieces are added to the jigsaw puzzle framework only if they correspond to a life event that has occurred. The result is a puzzle that provides a graphical representation of the events that have occurred to a particular person.

The Guill patent shows a puzzle where puzzle pieces are numbered and are added to a puzzle depending upon the number rolled with dice.

The Guill patent does not disclose puzzle pieces that correspond to different commonly

occurring life events, including birthday, graduation day and wedding day, that may or may not occur in a person's life. The Guill patent also does not disclose the methodology of adding such puzzle pieces to a puzzle after such a major life event has occurred. As such, the Guill patent clearly fails to disclose the method step of **“providing a plurality of puzzle pieces that correspond to different commonly occurring life events, including birthday, graduation day and wedding day, that may or may not occur in a person's life.”**

The Guill patent also fails to disclose the method step of **“connecting a puzzle piece from said plurality of puzzle pieces to said puzzle framework that corresponds to a life event that has occurred.”**

The Examiner argues that the rolling of the dice is a major life event. This argument is clearly self-serving. No real life event, such as the specifically claimed birthday, graduation day or wedding day is mentioned in the Guill patent.

It is therefore believed that the matter of Claim 11 is distinguishable over the Guill patent. The Board is therefore respectfully requested to reverse the 35 USC 102 rejection as applied to Claim 11 and its dependent claims.

GROUND 3- Whether the Examiner erred in finally rejecting Claims 1-4 and 6-8 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 723,425 to Thompson.

Claim 1 is an independent claim that sets forth a method of creating a graphical depiction of a person's life using a puzzle format. A first plurality of puzzle pieces are provided that represent different major life events, specifically including birthday, graduation day and wedding day that may, or may not, occur in a person's life. These puzzle pieces are selectively joined together. Only the puzzle pieces that correspond to events that have actually occurred in a person's life are joined to the puzzle. This creates a puzzle assembly or a “life puzzle” that is a graphical depiction of the actual life events of that person.

The Thompson patent discloses an educational puzzle for learning the spelling of simple words.

The Thompson patent does not disclose puzzle pieces that correspond to different commonly occurring life events, including birthday, graduation day and wedding day, that may or may not occur in a person's life. The Thompson patent also does not disclose the methodology of adding such puzzle pieces to a puzzle after such a major life event has occurred.

It is therefore believed that the matter of Claim 1 is distinguishable over the Thompson patent. The Board is therefore respectfully requested to reverse the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

GROUND 4 – Whether the Examiner erred in finally rejecting Claim 12 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 4,417,732 to Guill.

Claim 12 depends from Claim 11. Claim 11 has already been distinguished from the Guill patent for the reasons previously presented. It was argued that the Guill patent does not anticipate the matter of Claim 11. Those same arguments also show that the Guill patent does not render obvious the matter of Claim 11.

Claim 12 is therefore believed to stand in condition for allowance since it depends from and further defines an allowable base claim.

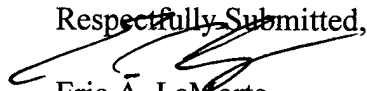
GROUND 5- Whether the Examiner erred in finally rejecting Claim 13 as being unpatentable over U.S. Patent No. 4,417,732 to Guill in further view of U.S. Patent No. 6,708,973 to Hall.

Claim 13 depends from Claim 11. Claim 11 has already been distinguished from the Guill patent for the reasons previously presented. The Hall patent does not disclose any type of puzzle with pieces that correspond to possible life events. The Hall patent therefore does not address the deficiencies of the Guill patent as applied to Claim 11. Claim 13 is therefore believed to be allowable since it depends from and further defines and allowable base claims.

CONCLUSION

The Applicant's brief is believed to be in full compliance with 37 C.F.R. §41.37 et seq. The Examiner's 35 U.S.C. § 102 & 103 rejections are not supported by the cited references. The Board is therefore requested to cause the Examiner to withdraw the rejections and allow the pending claims.

Respectfully Submitted,



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Attorney for Applicant

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Yardley, PA 19067

VIII. CLAIMS APPENDIX [37 CFR 41.47(c)(8).

The pending claims stand as follows:

1. A method of creating a graphical depiction of a person's life, comprising the steps of:

providing a first plurality of puzzle pieces that represent different major life events, including birthday, graduation day and wedding day that may, or may not, occur in a person's life; and

joining puzzle pieces together that correspond to events that have actually occurred in a person's life to create a puzzle assembly that is a graphical depiction of life events of that person.

2. The method according to Claim 1, further including the step of providing a second plurality of puzzle pieces that correspond to life principles.

3. The method according to Claim 2, further including the step of creating a puzzle framework with said second plurality of puzzle pieces.

4. The method according to Claim 3, wherein said puzzle assembly of said first plurality of puzzle pieces is assembled within said puzzle framework of said second plurality of puzzle pieces.

6. The method according to Claim 1, wherein said first plurality of puzzle pieces are identical in configuration.

7. The method according to Claim 5 1, wherein at least some of said first plurality of puzzle pieces have blank spaces upon which dates of said major life events can be recorded.

8. The method according to Claim 1, wherein said second plurality of puzzle pieces depict different virtues and life principles.

11. A method of assembling a jigsaw puzzle;

providing a puzzle framework that defines an interior;

providing a plurality of puzzle pieces that correspond to different commonly occurring life events, including birthday, graduation day and wedding day, that may or may not occur in a person's life;

connecting a puzzle piece from said plurality of puzzle pieces to said puzzle framework that corresponds to a life event that has occurred.

12. The method according to Claim 11, wherein said step of providing a puzzle framework includes providing and assembling puzzle framework pieces into said puzzle framework.

13. The method according to Claim 12, wherein said puzzle framework pieces contains an indication of a life principle.